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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,244	11/07/2000	Daniel L. Owen	STRATP002	1088

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,244

Applicant(s)

OWEN, DANIEL L.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

1. This Office Action is in response to Application 09/708,244, filed November 7, 2000.

Claims 1-17 have been examined on the merits.

Drawings

2. The drawings are objected to because Fig. 1a and Fig. 1b should be labeled as prior art .

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "first and second information" renders the claim vague and indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Huang et al (U.S. Patent No. 5,953,707).

As per claim 1, Huang et al disclose a decision support system for the management of an agile supply chain comprising:

- (a) defining a minimum set of attributes (col. 7, lines 23-26);
- (b) receiving first information regarding each of the minimum set of attributes from a receiving business, (c) receiving second information regarding proposed products or services in terms of the minimum set of attributes, wherein the second information is received from a supplying business (d) executing a decision process based on the first information and the second information as to which products or services is suitable for the receiving business (i.e., collecting data from different business users and executing a decision process) (col. 96, lines 65 through col. 98 line 64) ;

As per claim 2, Huang et al further disclose the method as recited in claim 1, wherein the attributes include price, sales, variable costs, fixed cost, and investment (col. 14, lines 36-65).

As per claim 3, Huang et al further disclose the method as recited in claim 2, wherein the attributes further include market share, market size, labor cost, material cost, administrative cost , annual expenses, working capital, planning and equipment (col. 57, lines 17-21 and (col. 49, lines 60-64).

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As per claims 4 and 5, Huang et al further disclose the method as recited in claim 1, wherein the first information and second information are received utilizing a network and wherein the network is the Internet (col. 7, lines 34-37).

Claim 7 is a computer program product for providing customer-centric collaborative decision making in a business-to-business framework for performing the steps of method claim 1; therefore is rejected under the same rationale.

As per claims 8-11, Claims 8-11 are computer program product for providing customer-centric collaborative decision making in a business-to-business framework for performing the steps of method claims 2-5; therefore are rejected under the same rationale.

Claim 13 is system for providing customer-centric collaborative decision making in a business-to-business framework for performing the steps of method claim 1; therefore is rejected under the same rationale.

Claims 14-17 are system for providing customer-centric collaboration decision making in a business-business framework for performing the steps of method claims 2-5; therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S. Patent No. 5,953,707) in view of McAndrew et al (U.S. Patent No. 5,517,405).

As per claim 6, Haung et al fail to explicitly disclose the following step but McAndrew et al disclose:

- (a) executing an application capable of performing decision logic (col. 5, line 50 through col. 6 line 29);
- (b) retrieving information from a database in accordance with the decision logic (See abstract and col. 5 line 50 through col. 6 line 29)
- (c) receiving information from a user in accordance with the decision utilizing a user interface (See abstract and col. 5 line 50 through col. 6 line 29);
- (d) processing the information utilizing the decision logic See abstract and col. 5 line 50 through col. 6 line 29); and
- (e) wherein steps (a)-(d) are carried out by a collaborative decision platform capable of accomplishing steps (b)-(d) for different purposes by executing different applications each capable of performing different decision logic (See Fig. 1 and Fig. 2; abstract; col. 5 line 50 through col. 6 line 29). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Huang et al to incorporate the teachings of McAndrew et al in order to provide a user to decide whether to accept or reject a proposed business solution problem

Claim 12 is computer program product for providing customer-centric collaborative decision making in a business-to-business framework for performing the steps of method claim 6; therefore is rejected under the same rationale.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

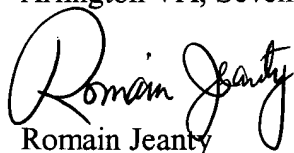
a. Sammon, Jr. et al (U.S. Patent No. 6,012,051) discloses a consumer profile system with analytic decision processor

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.


Romain Jeanty

Primary Examiner

March 8, 2004